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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

STEFANELLI INVESTORS GROUP, et al.

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05255 (SMB)

STIPULATION AND ORDER FOR SUBSTITUTION OF DEFENDANT

WHEREAS, on December 1, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action against Defendant Anthony E. Stefanelli; and

WHEREAS, Anthony E. Stefanelli died on January 12, 2017.

IT IS THEREFORE MUTUALLY AGREED AND STIPULATED, by and between the Trustee and Patricia Moretta, solely in her capacity as personal representative of the Estate of Anthony E. Stefanelli, as follows:

1. The Estate of Anthony E. Stefanelli (the “Estate”)¹, and Patricia Moretta, solely in her capacity as personal representative of the Estate, (collectively, the “Defendants”), are hereby substituted into this action in place of Anthony E. Stefanelli, deceased, solely in his capacity as general partner of the Stefanelli Investors Group, and the complaint shall be deemed so amended (the “Amended Complaint”).

2. The Clerk of the Court is hereby directed to amend the caption to remove Anthony E. Stefanelli in his capacity as general partner of the Stefanelli Investors Group and substitute the Estate, and Patricia Moretta, solely in her capacity as personal representative of the Estate, as reflected on Exhibit A to this Stipulation.²

¹ Case No. PRC170001810, In re: Estate of Anthony E. Stefanelli, In the Seventeenth Judicial Circuit Court In and For Broward County, Florida, Probate Division.

² Anthony E. Stefanelli and other non-entity defendants, in their individual capacities, were dismissed as defendants pursuant to the July 16, 2015 order by this Court granting in part and denying in part Defendants’ motion to dismiss. (ECF No. 88). Accordingly, Exhibit A also amends the caption to reflect the dismissal of these defendants.

3. Undersigned counsel for the Estate, and Patricia Moretta, solely in her capacity as personal representative of the Estate, (i) expressly represents that he has the authority to accept service of the Amended Complaint on behalf of Defendants (ii) waives service of the summons and the Amended Complaint on behalf of Defendants, and (iii) hereby waives any defenses based on insufficiency of process or insufficiency of service of process of the summons and Amended Complaint on behalf of Defendants.

4. Except as expressly set forth herein, the parties to this Stipulation reserve all rights and defenses they may have. The existing response to the complaint shall be deemed the response to the amended complaint and no further response needs to be filed by any Defendants.

5. This Stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

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Dated: October 31, 2017

/s/ Keith R. Murphy

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LLC and the Estate of Bernard L. Madoff*

By: /s/ Steven R. Schoenfeld

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Attorney for Defendants As Defined Herein

SO ORDERED:

Dated: **November 1, 2017**
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT “A”

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Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05255 (SMB)

STEFANELLI INVESTORS GROUP, ESTATE OF ANTHONY E. STEFANELLI and PATRICIA MORETTA, solely in her capacity as personal representative of the Estate of Anthony E. Stefanelli, as general partner of Stefanelli Investors Group, MARY ANN STEFANELLI, as general partner of Stefanelli Investors Group, MARK STEFANELLI, as general partner of Stefanelli Investors Group, MINOR 4, as general partner of Stefanelli Investors Group, MINOR 5, as general partner of Stefanelli Investors Group, BARBARA ANN STEFANELLI, as general partner of Stefanelli Investors Group, LISA M. STEFANELLI, as general partner of Stefanelli Investors Group, PATRICIA MORETTA, as general partner of Stefanelli Investors Group, MINOR 6, as general partner of Stefanelli Investors Group, MINOR 7, as general partner of Stefanelli Investors Group, ANTON LEROY, as general partner of Stefanelli Investors Group,

Defendants.